



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/204,479 12/03/98 TREMBLAY

M SP-3289US

EXAMINER

TM02/0103

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ART UNIT

PAPER NUMBER

2155

DATE MAILED:

01/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/204,479

Applicant(s)
Tremblay et al.

Examiner
David Y. Eng

Group Art Unit
2155



☒ Responsive to communication(s) filed on Oct 24, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-17 and 19-22 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 and 19-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Claim 18 has been cancelled. The active claims are 1-17 and 19-22.

Claims 1-17 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck in view of DeWard.

Claims 1-17 and 19-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/204,585 in view of Deward.

Details of the rejection have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

With respect to the remarks directed to claim 1, it is not seen how the last two lines of claim 1 are related to the functional unit and the register file because the functional unit and the register file as recited are not involved in implicitly deriving specifier based on another.

With respect to the remarks directed to the decoder, a decoder is commonly for decoding instructions as disclosed in lines 16-19 of page 18 of the specification and not for implicitly deriving specifiers as recited in the claims. There is no explanation in the specification as to how

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the empty rectangular boxes representing a prior art decoder as shown in Figure 6 is able to implicitly derive specifiers.

With respect to the remarks directed to claim 19, applicants allege that the disclosure in lines 16-19 of page 8 of the specification supports the claim language. The identified excerpt merely discloses that the decoder decodes instructions. Applicants fail to explain how the excerpt support the functional language in claim 19.

In the remarks directed to the prior art rejection, applicants admit that Fleck discloses a processor having a register file, a decoder and an execution unit. However, applicants contend that there is no mention in Fleck that the processor that the processor executes an instruction set having instructions in which register is implicitly derived based on another register file. Note that the claims do not recite any circuits for implicitly derive specifiers. If the the function unit, the decoder and the register file as recited in the claims are able to process an instruction having a register specifier regardless of whether they are implicitly, explicitly, defined or derived, so do the processor of Fleck.

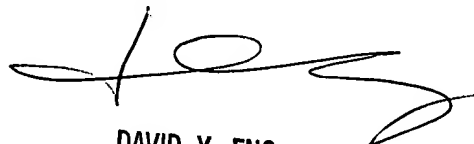
With respect to the double patenting rejection, the term "later" refers to the filing date and not application serial number.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

A handwritten signature in black ink, appearing to read 'D. Eng', with a stylized flourish at the end.

DAVID Y. ENG
PRIMARY EXAMINER